



# Department of Defense DIRECTIVE

NUMBER 5134.1

April 21, 2000

DA&M

SUBJECT: Under Secretary of Defense for Acquisition, Technology, and Logistics  
(USD(AT&L))

- References:
- (a) Title 10, United States Code
  - (b) DoD Directive 5134.1, "Under Secretary of Defense for Acquisition and Technology (USD(A&T))," September 17, 1999 (hereby canceled)
  - (c) [DoD Directive 5000.1](#), "Defense Acquisition," March 15, 1996
  - (d) Office of Management and Budget (OMB) Circular No. A-109, "Major System Acquisitions," April 5, 1976
  - (e) through (l), see enclosure 1

## 1. REISSUANCE AND PURPOSE

Pursuant to the authorities provided in reference (a), this Directive reissues reference (b) in order to update the title, responsibilities, functions, relationships, and authorities of the USD(AT&L).

## 2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components").

## 3. RESPONSIBILITIES AND FUNCTIONS

3.1. The Under Secretary of Defense for Acquisition, Technology, and Logistics is the Principal Staff Assistant and advisor to the Secretary and Deputy Secretary of Defense for all matters relating to the DoD Acquisition System, research and development, advanced technology, developmental test and evaluation, production, logistics, installation management, military construction, procurement, environmental security, and nuclear, chemical, and biological matters.

3.2. The USD(AT&L) shall:

3.2.1. Serve as the Defense Acquisition Executive with responsibility for supervising the performance of the DoD Acquisition System and enforcing the policies and practices in DoD Directive 5000.1 (reference (c)) and OMB Circular No. A-109 (reference (d)).

3.2.2. Chair the Defense Acquisition Board (DAB) pursuant to DoD 5000.2-R (reference (e)).

3.2.3. Serve as the DoD Procurement Executive, with responsibilities as prescribed in E.O. 12352 (reference (f)) and 41 U.S.C. 401-424 (reference (g)).

3.2.4. Establish and publish policies and procedures governing the operations of the DoD Acquisition System and the administrative oversight of defense contractors.

3.2.5. Establish policies for, and oversee developmental testing and evaluation, and coordinate with the Director, Operational Test and Evaluation (DOT&E) on the Test and Evaluation Master Plan for ACAT 1 programs, co-oversee the Joint Test and Evaluation Program with the DOT&E, and manage the Foreign Comparative Test Program.

3.2.6. Prescribe policies, in coordination with the Inspector General, DoD (IG, DoD), and the Under Secretary of Defense, Comptroller (USD(C)), to ensure that audit and oversight of contractor activities are coordinated and carried out in a manner to prevent duplication by different elements of the Department. The exercise of this responsibility shall not affect the authority of the IG, DoD, under the Inspector General Act of 1978, as amended (reference (h)).

3.2.7. Coordinate research, development, and production programs DoD-wide to eliminate duplication of effort and ensure that available resources are used to maximum advantage.

3.2.8. Establish policies and programs that improve, streamline, and strengthen DoD Component technology access and development programs, encourage open market competition and technology-driven prototype efforts that offer increased military capabilities at lower total ownership costs and faster fielding times, and exploit the cost-reduction potential of accessing innovative or commercially developed technologies

3.2.9. Develop acquisition plans, strategies, guidance, and assessments, to ensure that acquisition Milestone review and the Planning, Programming, and Budgeting System processes are timely and effectively implemented.

3.2.10. Develop, in coordination with the Under Secretary of Defense for Policy (USD(P)), and the DoD General Counsel (GC, DoD), agreements with friendly and Allied Nations and international organizations relating to acquisition matters consistent with DoD Directive 5530.3 (reference (i)).

3.2.11. Develop assessments of, and establish policies to maintain the capability of, the U.S. defense industry to meet DoD needs.

3.2.12. Supervise the management and performance of the Strategic and Critical Materials Program pursuant to E.O. 12626 (reference (j)).

3.2.13. Establish policies and procedures, with the coordination of the Under Secretary of Defense for Personnel and Readiness, for the effective management of the acquisition workforce within the Department of Defense.

3.2.14. Establish accountability policies and guidance, in coordination with the USD(C) for all property, plant, and equipment of the Department of Defense and develop and oversee strategic plans for property accountability systems.

3.2.15. Support special operations and low-intensity conflict programs, systems, and activities related to acquisition, in coordination with the USD(P).

3.2.16. Establish and manage the cooperative research and development program.

3.2.17. Manage the OSD Study Program.

3.2.18. Establish policies and procedures for the management of the DoD environmental security strategy for cleanup, compliance, conservation, and pollution

prevention; safety; occupational health; fire protection; pest management; and explosive safety.

3.2.19. Establish acquisition policies and procedures to assure that individuals with disabilities have access to, and use of, DoD electronic and information technology in compliance with Public Law 105-220, the Workforce Investment Act of 1998.

3.2.20. Supervise the Defense Science Board.

3.2.21. Chair the Nuclear Weapons Council.

3.2.22. Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

#### 4. RELATIONSHIPS

4.1. In the performance of assigned functions and responsibilities, the USD(AT&L) shall take precedence in the Department of Defense on acquisition matters after the Secretary and Deputy Secretary of Defense. On all other matters, the USD(AT&L) shall take precedence after the Secretary and Deputy Secretary of Defense and the Secretaries of the Military Departments.

4.1.2. The USD(AT&L) shall exercise authority, direction, and control over:

4.1.2.1. The Deputy Under Secretary of Defense for Acquisition and Technology (DUSD(A&T)), who shall serve also as the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics (PDUSD(AT&L)).

4.1.2.2. The Deputy Under Secretary of Defense for Logistics and Materiel Readiness (DUSD(L&MR)).

4.1.2.3. The Director of Defense Research and Engineering (DDR&E)

4.1.2.4. The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, through the DDR&E.

4.1.2.5. The Director, Defense Advanced Research Projects Agency, through the DDR&E.

4.1.2.6. The Director, Defense Logistics Agency, through the DUSD(L&MR).

4.1.2.7. The Director, Defense Threat Reduction Agency, through the DDR&E.

4.1.2.8. The Director, Ballistic Missile Defense Organization.

4.1.2.9. The Director, Defense Contract Management Agency through the DUSD(A&T).

4.1.2.10. The Director of Small and Disadvantaged Business Utilization through the DUSD(A&T).

4.1.2.11. The Director, Office of Economic Adjustment through the DUSD(A&T).

4.1.2.12. The President, Defense Acquisition University through the DUSD(A&T).

4.1.2.13. Such other organizations as may be established by the USD(AT&L) within resources provided by the Secretary of Defense.

4.1.3. The USD(AT&L) shall use existing facilities and services of the Department of Defense and other Federal Agencies, whenever practicable, to avoid duplication and to achieve an appropriate balance among modernization, readiness, sustainability, efficiency, and economy.

4.1.4. The Secretaries of the Military Departments and the Heads of other DoD Components shall consult the USD(AT&L) before assigning an officer or employee to serve as a Program Executive Officer or a Program Manager or reassigning an officer or employee so serving, for any program subject to review by the DAB.

4.1.5. The Secretaries of the Military Departments and the Heads of other DoD Components shall consult the USD(AT&L) on program objectives memoranda and budget estimate submissions that reflect a significant change to any program subject to review by the DAB, before their submission to the OSD.

4.1.6. The USD(C) shall coordinate with the USD(AT&L) prior to approving

the transfer or reprogramming of funds into or from a program within the purview of the USD(AT&L).

4.1.7. The USD(AT&L) shall coordinate with the DoD Chief Information Officer (DoD CIO) on information technology management (ITM) matters that are within the purview of the DoD CIO.

4.1.8. The USD(AT&L) shall work directly with the Service Acquisition Executives.

4.1.9. Other OSD officials and Heads of the DoD Components shall coordinate with the USD(AT&L) on all matters related to authorities, responsibilities, and functions assigned in this Directive.

## 5. AUTHORITIES

5.1. The USD(AT&L) is hereby granted the authority to direct the Secretaries of the Military Departments and Heads of all other DoD Components on all acquisition matters.

5.2. The USD(AT&L) shall decide upon the appropriate implementing actions to be taken as a result of DAB reviews. The USD(AT&L) decisions shall be reflected in an Acquisition Decision Memorandum issued by the USD(AT&L) for implementation by the Heads of the DoD Components.

5.3. The USD(AT&L) may direct the USD(C) to withhold the release of funds to an acquisition program when the USD(AT&L) determines that such direction is necessary to ensure that the program meets the criteria established by DoD Directives for exiting the Milestone and all additional exit criteria for the program established by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(AT&L). The USD(AT&L) may not delegate the authority granted by this subsection to anyone other than the PDUSD(AT&L).

5.4. The USD(AT&L) may:

5.4.1. Issue DoD Instructions, DoD Publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M (reference (k)), that implement acquisition policies and procedures for the functions assigned to the USD(AT&L). Instructions to the Military Departments shall be issued through the Secretaries of the Military

Departments. Instructions to the Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

5.4.2. Obtain reports, information, advice, and assistance, consistent with DoD Directive 8910.1 (reference (1)), as necessary, in carrying out assigned functions.

5.4.3. Communicate directly with the Heads of the DoD Components. Communications to the Commanders of the Combatant Commands shall be through the Chairman of the Joint Chiefs of Staff.

5.4.4. Establish arrangements for DoD participation in non-defense governmental programs for which the USD(AT&L) is assigned primary DoD cognizance.

5.4.5. Communicate with other Government officials, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned responsibilities and functions.

5.4.6. Coordinate with and exchange information with other DoD officials exercising collateral or related responsibilities.

5.4.7. Exercise the delegations of authority in enclosure 2.

## 6. EFFECTIVE DATE

This Directive is effective immediately.



**Rudy de Leon**  
**Deputy Secretary of Defense**

Enclosures - 2

- E1. References, continued
- E2. Delegations of Authority

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs," March 15, 1996
- (f) Executive Order 12352, "Federal Procurement Reform," October 13, 1994
- (g) Sections 401-424 of title 41, United States Code
- (h) Public Law 95-452, "Inspector General Act of 1978," October 12, 1978, as amended
- (i) [DoD Directive 5530.3](#), "International Agreements," June 11, 1987
- (j) Executive Order 12626, "National Defense Stockpile Manager," February 25, 1988
- (k) [DoD 5025.1-M](#), "DoD Directive System Procedures," August 1994, authorized by [DoD Directive 5025.1](#), June 24, 1994
- (l) [DoD Directive 8910.1](#), "Management and Control of Information Requirements," June 11, 1993



E2. ENCLOSURE 2  
DELEGATIONS OF AUTHORITY

E2.1.1. Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority, and control, and in accordance with DoD policies, Directives, and Instructions, the USD(AT&L) is hereby delegated authority to exercise, within his assigned responsibilities and functional areas, all authority of the Secretary of Defense derived from statute, Executive order, and interagency agreement, except where specifically limited by statute or Executive order to the Secretary of Defense, to include but not limited to:

E2.1.1.1. Exercise all authorities delegated to the Secretary of Defense by the Department of Commerce for the Defense Priorities and Allocations System (DPAS Del. No. 1, as amended). In addition, exercise the authorities delegated to the Secretary of Defense by E.O. 12742, dated January 8, 1991.

E2.1.1.2. Act for the Secretary of Defense in the exercise of extraordinary contractual action authority under Pub. L. No. 85-804--an Act to authorize the making, amendment, and modification of contracts to facilitate the national defense, August 28, 1958, in accordance with E.O. 10789, November 14, 1958, as amended, and Part 50 of the Federal Acquisition Regulation.

E2.1.1.3. Make Secretarial determinations, justifications, and approvals on behalf of the Defense Advanced Research Projects Agency, Ballistic Missile Defense Organization, Defense Contract Management Agency, Defense Logistics Agency, the Defense Threat Reduction Agency, the Office of Economic Adjustment, and the Defense Acquisition University, under title 10, United States Code, with the authority to re-delegate to the Heads of those organizations, and other organizations as may be assigned to the USD(AT&L), as appropriate.

E2.1.1.4. Act for the Secretary of Defense in making determinations and authorizing waivers under the Buy American Act (41 U.S.C. 10a-10d).

E2.1.1.5. Act for the Secretary of Defense on delegations of authority to him by the U.S. Trade Representative to waive the prohibition against procurement from certain countries, pursuant to title III of Pub. L. No. 96-39, Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.), and E.O. 12260, December 31, 1980, as amended.

E2.1.1.6. Act for, and exercise the powers of, the Secretary of Defense on

requests for waiver of the navigation and vessel inspection laws of the United States under Pub. L. No. 891, 81st Congress, 2nd Session, December 27, 1950, (64 Stat. 1120), except on those matters that have been delegated by the Secretary of Defense to the Secretary of the Army.

E2.1.1.7. Make recommendations to the Department of Energy in connection with facilities for transmission of electric energy and natural gas across borders of the United States, pursuant to the authority given the Secretary of Defense in E.O. 10485, September 3, 1953, as amended by E.O. 12038, February 3, 1978.

E2.1.1.8. Exercise all responsibilities and authorities of the Secretary of Defense under title 10, United States Code, section 2404, on the acquisition of petroleum.

E2.1.1.9. Act for the Secretary of Defense in the implementation of OMB Circular No. A-109, "Major System Acquisitions," April 5, 1976.

E2.1.1.10. Make the determination required by title 50, United States Code, section 1512(i), on transportation or testing of any lethal chemical or any biological warfare agent.

E2.1.1.11. Make written determinations for conduct of all closed meetings of Federal Advisory Committees under his cognizance as prescribed by section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix II, 10(d)).

E2.1.1.12. Act for the Secretary of Defense in the implementation of OMB Circular A-76, "Performance of Commercial Activities," as revised, August 4, 1983.

E2.1.1.13. With the exception of the determination of highly sensitive classified programs, which is retained by the Secretary of Defense, exercise the responsibilities and authorities of the Secretary of Defense to designate major defense acquisition programs, as defined in title 10, United States Code, section 2430.

E2.1.1.14. Act for the Secretary of Defense in making certifications, providing reports, and approving waivers for major defense acquisition programs required by title 10, United States Code. This authority includes, but is not limited to, the following:

E2.1.1.14.1. Submit Selected Acquisition Reports (SARs) (section 2432), to include notifications of SAR waivers and research, development, test, and evaluation-only SARs.

E2.1.1.14.2. Make and submit certifications required for Unit Cost Reports (section 2433).

E2.1.1.15. Exercise all authorities delegated to the Secretary of Defense by E.O. 12580, January 23, 1987, as amended by E.O. 13016, August 28, 1996, on responses to releases of hazardous substances for DoD facilities and vessels under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*) as amended *inter alia* by the Superfund Amendments and Reauthorization Act (Pub. L. No. 99-499, October 17, 1986).

E2.1.1.16. Exercise all responsibilities and authority of the Secretary of Defense under 10 U.S.C. 2701-2708 and 10 U.S.C. 2810 on conduct of the Defense Environmental Restoration Program.

E2.1.1.17. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2354 for the DoD Components other than the Military Departments.

E2.1.1.18. Serve on and attend meetings of the Federal Acquisition Regulatory Council, established by section 25 of the Office of Federal Procurement Policy Act, as amended. The PDUSD(AT&L) shall serve in the absence of the USD(AT&L). This authority may be redelegated in writing consistent with section 25 of the Office of Federal Procurement Policy Act, as amended, and section 809 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, Pub. L. 102-190 (1991).

E2.1.1.19. Perform the functions and responsibilities set out at section 25(d) of the Office of Federal Procurement Policy Act, as amended. The authority to review and approve or disapprove regulations relating to procurement under subsection 25(d)(1) may not be redelegated to any person outside the Office of the USD(AT&L).

E2.1.1.20. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2350b with respect to NATO Cooperative Projects as defined in section 27 of the Arms Export Control Act. The authority to grant waivers as authorized in subsection 2350b(c) may not be redelegated.

E2.1.1.21. Exercise all powers and duties of the Secretary of Defense under 10 U.S.C. 2535 to provide a comprehensive and continuous defense industrial reserve program.

E2.1.1.22. Act for the Secretary of Defense in the exercise of authority under

the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) in accordance with E.O. 12626, February 25, 1988.

E2.1.1.23. Act for the Secretary of Defense, under the authority of Federal Property Management Regulations, 41 CFR 101-33.002, or under any other Delegation of Authority that may hereafter be made by the Administrator of General Services, to enter into contracts for public utility services for a period not to exceed 10 years. This authority may be re-delegated in writing.

E2.1.1.24. Act for the Secretary of Defense in establishing and exercising policy direction and oversight over a defense technology office in Japan, in compliance with section 248 of the National Defense Authorization Act for fiscal year 1991 (Pub. L. No. 101-510).

E2.1.1.25. Exercise the authority of the Secretary of Defense in 10 U.S.C. 2410i, section 9069 of the DoD Appropriations Act, 1993, (Pub. L. 102-396) and section 8072A of DoD Appropriations Act, 1992 (Pub. L. 102-172) to waive prohibitions on awarding contracts to foreign entities that have not certified that they do not comply with the secondary boycott of Israel.

E2.1.1.26. Exercise all authorities delegated to the Secretary of Defense by E.O. 12777, October 18, 1991, relating to responsibilities of Federal trustees for natural resources under Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1320) and the Oil Pollution Act of 1990 (33 U.S.C. 2701, et seq.).

E2.1.1.27. Act for the Secretary of Defense in the exercise of authority under the Federal Activities Inventory Reform Act of 1998 (Pub. L. 105-270).

E2.1.2. The USD(AT&L) may redelegate these authorities, as appropriate, in writing except as otherwise specifically indicated above or prohibited by law, Directive, or regulation.